

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

TIMOTHY GARNETT,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:13-CV-1546-JAR
	)	
JEFF NORMAN,	)	
	)	
Respondent.	)	

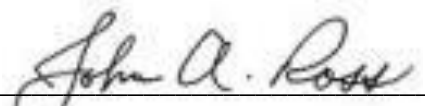
**MEMORANDUM AND ORDER**

This matter comes before the Court on Petitioner’s “Motion for Immediate Evidentiary Hearing Request Counsel Be Assigned to Amend.” [ECF No. 3] Upon consideration, Petitioner’s motion will be denied without prejudice. The Court finds that at this stage of the litigation, an evidentiary hearing is neither warranted nor necessary. If no evidentiary hearing is necessary, then the appointment of counsel for a habeas petitioner is discretionary. See, Abdullah v. Norris, 18 F.3d 571, 573 (8<sup>th</sup> Cir. 1994).

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner’s “Motion for Immediate Evidentiary Hearing Request Counsel be Assigned to Amend” [3] is **DENIED** without prejudice.

Dated this 15<sup>th</sup> day of August, 2013.

  
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JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE